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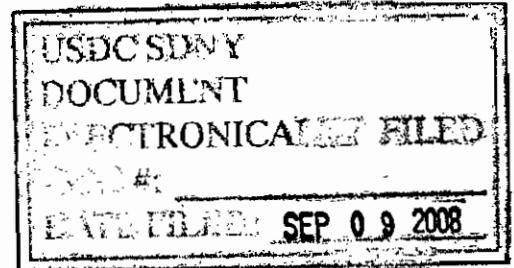
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July 30, 2008

Chambers of the
Honorable Laura Taylor Swain
United States District Court
Southern District
500 Pearl Street – Room 755
New York, New York 10007

MEMO ENDORSED

RE: D'Acona, Miranda v. D&R Transportation
U.S. District Court
Docket Nos: 08 CV 5466; 07 CV 10618 & 07 CV 5788
Our File Number: 108140073

Honorable Madam:

The undersigned represents the defendants D&R Transport and Donald P. Moore in the above-entitled actions.

As discussed before Your Honor at recent Status Conferences, I respectfully request that the instant action be assigned to a U.S. Magistrate Judge for purposes of conducting settlement discussions. It is my understanding that significant discussions have taken place in this matter between some of the plaintiff's attorneys in this matter and the claim handler adjusting this matter on behalf of the defendants, and that a formal settlement conference may be fruitful in bringing this matter to an expedited conclusion.

We thank Your Honor for your attention to these matters.

Very truly yours,
Jack L. Cohen
Jack L. Cohen
212 440-2335

The parties are requested to contact Judge Kevin Nathaniel Fox's chamber to request a settlement conference.

JLC/ps
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SO ORDERED.

NEW YORK, NY

[Signature]
LAURA TAYLOR SWAIN

A Staff Counsel Office of CNA *Sept 5, 2008* UNITED STATES DISTRICT JUDGE

cc: David Horowitz, P.C.
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